

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

In the Matter of the Application of Pacific Gas and Electric Company (U 39 E) for a Certificate of Public Convenience and Necessity Authorizing the Construction of the Jefferson-Martin 230 kV Transmission Project.

Application 02-09-043  
(Filed September 30, 2002)

**ADMINISTRATIVE LAW JUDGE'S RULING  
SETTING PREHEARING CONFERENCE**

**Background**

By this application, Pacific Gas and Electric Company (PG&E) seeks a certificate of public convenience and necessity authorizing the construction of the Jefferson-Martin 230 kV Transmission Project. The proposed project would be located in San Mateo County. A new transmission line would be constructed in two primary portions: the Overhead Rebuild Portion, which would extend from the Jefferson Substation north to the intersection of San Bruno Avenue and Glenview Drive; and the Underground Portion, which would extend north from the San Bruno Avenue/Glenview Drive intersection to the Martin Substation. The project would also include modifications at several substations and one switching station, and the installation of fiber optic communications facilities between the Jefferson Substation and the Martin Substation.

In conjunction with its application, PG&E filed its Proponent's Environmental Assessment. The Commission will conduct an environmental review of the proposed project pursuant to the California Environmental Quality Act and will examine alternatives, including the "No-Project" alternative. The

Commission's Energy Division will perform the environmental review. On October 29, 2002, Energy Division issued a deficiency notice to PG&E. At this time, PG&E's application has not been deemed complete for environmental review purposes.

In addition to environmental issues, this application raises other non-environmental issues for our consideration, including the need for the project and ratemaking issues.

The Commission issued a preliminary finding in Resolution ALJ 176-3096, issued on October 3, 2002, that the category for this proceeding is ratesetting and that hearings are necessary. Until the Assigned Commissioner issues a scoping memo, the *ex parte* rules as set forth in Rule 7(c) of the Commission's Rules of Practice and Procedure (Rules) apply to this proceeding.

The following entities submitted timely filed protests and requests for hearing that have been formally filed with the Commission: Office of Ratepayer Advocates, the Town of Hillsborough, the 280 Corridor Concerned Citizens Group, Dr. Cheol Hoon Lee, and Dr. Mario Rabinowitz and Laverne Rabinowitz. The 280 Corridor Concerned Citizens Group also filed a motion for leave to late file its protest. Since its protest was timely filed, the motion is moot.

In addition, the Commission has received numerous letters and e-mails regarding the proposed project that do not meet the formal filing requirements in Article 2 of our Rules. I have reviewed all of the letters and e-mails, and have placed them in the proceeding's correspondence file. Copies of the letters and e-mails are being circulated to Commissioners and relevant Commission staff.

On November 21, 2002, PG&E filed a consolidated reply which responded to the formally filed protests and to several of the letters.

### **Prehearing Conference**

The Commission will hold a prehearing conference (PHC) at 10 a.m. on Friday, January 10, 2003, in the Commission Courtroom, State Office Building, 505 Van Ness Avenue, San Francisco, California. At the PHC, we will discuss the scope and procedural schedule for this case. We will also take appearances and develop an official service list.

### **PHC Statements**

The filed protests and letters generally lay out the issues that parties believe should be addressed in this proceeding; therefore, PHC statements may not be necessary. However, interested parties may file PHC statements, if so desired, no later than January 7, 2003, and should serve these statements on the temporary service list described herein, as well as on the Assigned Commissioner and assigned Administrative Law Judge (ALJ). Parties filing PHC statements should bring 25 extra copies to the PHC. Parties are encouraged to meet and confer prior to the PHC and to file joint statements to the extent feasible.

What I would find most useful in preparing for the PHC are statements that address the following items:

1. Identification of additional substantive issues that parties believe should be within the scope of the proceeding.
2. Timing and coordination of testimony, evidentiary hearings, and public participation hearings with the environmental review process. I am inclined to adopt a schedule whereby testimony submission, evidentiary hearings, and public participation hearings all occur following issuance of the Final Environmental Impact Report, so that parties have access to its findings.
3. Proposed procedural schedules.
4. Discussion of any other procedural issues necessary to address for a prompt resolution of this proceeding.

### **Service and Mailing Lists**

Two separate lists will be maintained related to this proposed project: an official service list and an environmental review mailing list.

A temporary service list for the proceeding has been created. All persons and organizations that formally filed a protest or submitted a letter or e-mail have been placed on this temporary service list. An electronic copy of the temporary service list may be obtained from the Commission's Process Office. The Process Office may be contacted by telephone at (415) 703-2021 or by mail at the California Public Utilities Commission, 505 Van Ness Avenue, San Francisco, CA 94102.

At the PHC, we will develop the official service list, which will replace the temporary service list and will be posted on the Commission's web site as soon as practicable. The official service list will have three categories: Appearances, State Service, and Information Only.

Persons seeking to become a party in this proceeding shall appear at the PHC and complete an appearance form. To determine who should be granted party status, I will question each person regarding the planned level of participation. Persons who demonstrate a plan to actively participate in the evidentiary proceeding through presentation of testimony, cross-examination, or submission of briefs will be granted party status and will be listed as Appearances on the official service list. Appearances shall be served with all documents parties submit in connection with the proceeding.

State employees who are not Appearances will be placed on the State Service portion of the official service list either by appearing at the PHC and filling out an appearance form, or by mailing a written request to the Process Office requesting that they be added to the state service portion of the official

service list. All of the names appearing on the State Service list shall be served with any documents parties submit in connection with the proceeding.

Persons who are not Appearances but want notice of hearings, rulings, proposed decisions, and decisions issued by the Commission will be categorized as Information Only. In addition, all documents served electronically shall be sent to Information Only names who have provided valid e-mail addresses. Persons seeking Information Only status may either appear at the PHC and complete an appearance form or mail a written request to the Process Office requesting that they be added to the official service list for Information Only.

In addition to the official service list, the Energy Division will maintain a separate environmental review mailing list. All persons who filed protests or submitted correspondence to the Commission will be placed on the Energy Division's environmental review mailing list. For additions or changes to the environmental review mailing list, please contact the Energy Division Project Hotline at 650-240-1720 or by e-mail at [jeffmartin@aspeneg.com](mailto:jeffmartin@aspeneg.com). All persons on the environmental review mailing list will be notified of environmental review activities, including public scoping meetings. They will also be notified of the public participation hearings.

At the PHC, we will discuss how the results of the environmental review being conducted by the Energy Division will be incorporated into this proceeding. If your interest in this proceeding relates to the preferred route of PG&E's proposed project, development of alternatives to the proposed project, or other aspects of the environmental review of this project, you should be on the environmental review service list.

### **Assistance in Participation in Commission Proceedings**

The Commission has a Public Advisor who can assist persons who have questions about the Commission's decisionmaking process and how to

participate in Commission proceedings. You can contact the Public Advisor's office by mail at the California Public Utilities Commission, 505 Van Ness Avenue, San Francisco, CA 94102 or by e-mail at [public.advisor@cpuc.ca.gov](mailto:public.advisor@cpuc.ca.gov). The tollfree telephone number is 866-849-8390.

### Discovery

Parties may commence discovery at any time. Parties should raise any discovery disputes according to the procedure outlined in Resolution ALJ-164, which is available on the Commission's web site at the following link:

[www.cpus.ca.gov/PUBLISHED/FINAL\\_RESOLUTION/2538.HTM](http://www.cpus.ca.gov/PUBLISHED/FINAL_RESOLUTION/2538.HTM)

Therefore, **IT IS RULED** that:

1. The Commission will hold a prehearing conference (PHC) at 10 a.m. on Friday, January 10, 2003, in the Commission Courtroom, State Office Building, 505 Van Ness Avenue, San Francisco, California.
2. Interested persons may file PHC statements, as more fully set forth above, no later than January 7, 2003. Parties should serve these statements on the temporary service list, as well as on the Assigned Commissioner and assigned Administrative Law Judge and bring 25 extra copies of their PHC statements to the PHC.
3. Until the Assigned Commissioner issues a scoping memo, the *ex parte* rules as set forth in Rule 7(c) of the Commission's Rules of Practice and Procedure apply to this proceeding.

Dated December 13, 2002, at San Francisco, California.

/s/ CHARLOTTE TERKEURST  
Charlotte TerKeurst  
Administrative Law Judge

**CERTIFICATE OF SERVICE**

I certify that I have by mail this day served a true copy of the original attached Administrative Law Judge's Ruling Setting Prehearing Conference on all parties of record in this proceeding or their attorneys of record.

Dated December 13, 2002, at San Francisco, California.

/s/ KE HUANG

Ke Huang

**N O T I C E**

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to ensure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

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The Commission's policy is to schedule hearings (meetings, workshops, etc.) in locations that are accessible to people with disabilities. To verify that a particular location is accessible, call: Calendar Clerk (415) 703-1203.

If specialized accommodations for the disabled are needed, e.g., sign language interpreters, those making the arrangements must call the Public Advisor at (415) 703-2074, TTY 1-866-836-7825 or (415) 703-5282 at least three working days in advance of the event.